

REMARKS / ARGUMENTS

In the application, no claims currently stand allowed and claims 1-7, 9-25, 27, and 28 stand rejected. All of the pending claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Netscape Communicator v4.61 ("Netscape Communicator"), Prizm Plug-in v2.1 ("Prizm"), and U.S. Patent No. 6,058,195 to Hoyt et al. ("Hoyt").

Independent claims 1, 14, and 22 have been amended to include a further clarification that the source file of the modified image saved to the remote computer is "replacing a source file of the image as downloaded."

Before turning to the specific claim language, Applicants believe a short synopsis of the invention is useful. Generally, Applicants' invention teaches modifying an image directly from a *downloaded web page* displayed in a web-browser interface, which eliminates the overhead and inefficiencies of known systems that are unable to select an imported image directly from the web page and open it for editing. As explained on page 1 of the specification, beginning at line 22:

[Commercially available web publishing] programs do not, however, allow the user to select an imported image directly from the web page and open it for editing. Instead, the user must execute a separate specialized application for editing that type of image, locate the source file for the image on the local network, and open it with the specialized application.

However Applicants' invention also teaches a method for saving the modified image as a modified *source* file back to the remote computer eliminating the need for the user to upload the modified image back to the remote computer where that image source file is located (i.e., overwriting the source file as downloaded). As is also explained on page 2 of the specification, beginning at line 7:

Current graphics programs, however, are also limited in the sense that they are not capable of communicating using any of the popular networking and transport protocols (hereinafter referred to collectively as 'Internet protocols') such as those found in the various implementations of TCP/IP stacks. Therefore, these graphics programs can only work with image files that are stored locally. To edit an imported image of a remotely stored web page, a user has to open a browser, download the

page and store it locally. The user must then open (sic) locate the source file of the image and open it with the graphics editing program. Once the user has finished editing the image, he or she must save it locally, open the image in a browser, and post it to the remote computer.

Accordingly, independent claims 1, 14, and 22 have been amended to include a further clarification that the source file of the modified image saved to the remote computer is “replacing a source file of the image as downloaded.”

In contrast to Applicants’ invention, the documents of record describing the Netscape Communicator, Prizm Plug-in, and Hoyt references teach a web-browser interface that hosts a separate specialized control, Prizm Plug-in, for editing an image that is pointed to via a browser, and saving the newly captured image to a server. Specifically, Hoyt teaches saving a newly captured image file to a server, however this file does not exist on the server prior to being saved to the server and thus does not update or overwrite a source file on the server. Indeed, even the Abstract, cited in the Office action for teaching the step of saving the image to the server, makes this abundantly clear.

The computer readable media includes code that directs the processor to capture an image of the user, and code that directs the processor to modify the image according to a user selected theme to form a modified image. Code that directs the processor to determine a URL address for the web page is disclosed. The computer readable media also includes code that directs the processor to create a file in response to the user selected theme and the modified image, and code that directs the processor to upload the file to be located at the URL address to a server.

Hoyt demonstrates no ability whatsoever to save the modified image as a modified source file on the remote computer, replacing the source file of the image as downloaded. Rather, Hoyt teaches nothing more than capturing a new image, presenting it in an editor, and saving this new image to a server.

Applicant’s amended claims specify that the modified image is saved as a modified source file on the remote computer “replacing a source file of the image as downloaded.” Such an arrangement is not described or even remotely suggested by the combination of Netscape

Communicator with the Prizm Plug-in and Hoyt. This is necessarily true as Hoyt saves a newly captured image to the server and thus could not possibly overwrite or update a source file on the server. At most, the teachings of Hoyt can only be extended to a method of modifying a newly captured image and saving that image as a new file on the server. Such a method has nothing to do with modifying an image on a downloaded web page and then saving the updated image file as the source file on the remote computer, replacing the source file as downloaded.

All of the pending claims now either include language clarifying that the modified image is saved as a modified source file on the remote computer “replacing a source file of the image as downloaded” or depend from claims that include such language. Therefore, Applicants submit that the rejections in the Office action have been rendered moot. As this technique for modifying an image on a web page is not discussed in, nor rendered obvious by, the cited art, Applicants further submit that all of the pending claims are now allowable.


In re Appln. of COVER et al.
Application No. 09/599,999
Response to Office action of July 28, 2004

CONCLUSION

The application is considered to be in good and proper form for allowance, and the examiner is respectfully requested to pass this application to issue.

If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,



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